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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,892	07/10/2001	Satoshi Tamai	Q65348	9564

7590 08/31/2004

SUGHRUE, MION, ZINN,
MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,892

Applicant(s)

TAMAI, SATOSHI

Examiner

Dennis Ruhl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 30082002; 10122002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,3,5,7,9,10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 1,3,5,7, it is not clear what is meant by the language "representing a private car availability state in each region". No region has previously been claimed so what is this referring to? The information is for just one car and one car can only be in one place at one time so how can there be information presented for more than one region when there is one car? The claim is directed to the renting of one car only, not renting a car from a pool of cars. These claims are considered indefinite.

For claims 9,10, the examiner is not clear as to what the subject matter of these claims is. The preamble calls for a storage medium storing control program (software only) "to have computer execute a method" and then the method is recited. If the storing control program simply causes the computer to execute a method (another program), then what is there that has been recited about the storing control program the claim is directed to? There appears to be nothing recited about the storing control program. The body of the claim is directed to the method that the control program causes to be executed, but nothing about the control program is claimed. The examiner is not clear on the following:

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Is the claim directed to a physical storage medium that stores a computer program? Suggested language is "A storage medium that stores a computer program that executes a method, the method comprising:...."; otherwise if the claim is directed to the program only, the claim would not be statutory under 35 USC 101.

Is the control program just initiating another program to run (which is the recited method of the body of the claim) or is the control program actually performing the recited method? This is not clear.

Correction of all of the above is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

OR
8/26/04 4. Claims ¹⁻¹⁰ are rejected under 35 U.S.C. 102(b) as being anticipated by Klein et al. (5726885).

For claims 1-10, Klein discloses a method and system for renting an individual car from a pool of available vehicles. The customer may reserve a specific vehicle from the pool of vehicles that are available. The 1st dealer terminal and dealer server are the computer system D of the distribution center Z. The 2nd terminal is disclosed in col. 4, lines 29-45 and/or is HA. The communication line is 2. Klein discloses that the customer may contact the distribution center via telephone or by modem (inherently requires a terminal) to

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get information about what vehicles are available at a given location. The information transmitted to the customer includes the location and available time period for the vehicles. The time period is clearly transmitted to the customer because the customer chooses from available vehicles for the time period desired by the customer. If the customer is able to choose from the pool of available vehicles, it necessarily follows that the model of the vehicles that are available will be transmitted to the customer in some manner. This may be by way of classifying the car into economy class, or luxury class, or by actually identifying the actual make and model of the vehicle. Transmission of vehicle model is considered inherent when one can choose from available vehicles.

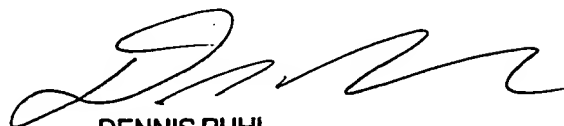
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. www.alamo.com, www.avis.com, www2.hertz.com, Williams (20030149600), Tagami et al. (5812070), Altman et al. (3624608), Hirshberg (5289369), Bishop et al. (4965821), and Murakami et al. (6253980) disclose car rental systems and methods relevant to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER